

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th floor
124 Halsey Street
P.O. 45029
Newark, New Jersey 07101

FILED

JULY 14, 2004

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: Joyce Brown
Deputy Attorney General
Tel: (973) 648-4735

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

--

IN THE MATTER OF THE SUSPENSION)
OR REVOCATION OF THE LICENSE OF)
)
ROBERT TRUXTON JAMES, M.D.)
LICENSE NO.: MA20260)
TO PRACTICE MEDICINE AND SURGERY)
IN THE STATE OF NEW JERSEY)

CONSENT ORDER

This matter was first opened to the State Board of Medical Examiners upon receipt of information that Robert Truxton James, M D. ("Respondent") surrendered his license to practice medicine or any of the healing arts in the State of Delaware and has discontinued practicing medicine in that State and agreed he will never again practice medicine or any of the healing arts in Delaware or any other jurisdiction pursuant to a Consent Agreement and Order entered on or about May 10, 2002 by the Board of Medical Practice in and for the State of Delaware. Respondent's surrender of his medical license was based on his inappropriate diagnosis and

CERTIFIED TRUE COPY

treatment of two patients which resulted in **quadriplegia** in both instances of treatment. On or about October 1, 2003, the State of New York, Department of **Health**, State Board for Professional Misconduct **issued** a Surrender Order in which Respondent did not contest the charge of having been **disciplined** by the Delaware **State** Board of Medical Practice for **inappropriately** diagnosing and treating two patients.

The parties **being** desirous of resolving this **matter** and the Board finding the **within** Order to **be** adequately protective of **the** public interest and for **good** cause shown,

IT **IS**, THEREFORE, on this 14 day of July, 2004,
HEREBY ORDERED AND AGREED THAT:

1. The Respondent, Robert Truxton James, M.D., shall immediately surrender his license to practice medicine and surgery in the **State** of New Jersey with prejudice to seeking any **further** reinstatement thereof.

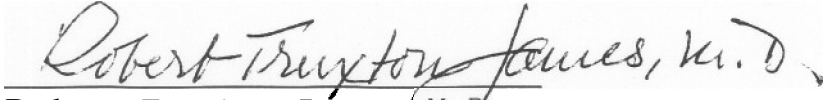
2. Respondent shall **follow** the Board's Directives for Licensees Who Have Surrendered Their Licenses, a copy of which is attached hereto and made **a** part hereof.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: Bernard Robins

Bernard **Robins**, M.D.
President

I **have read** and understand
the contents of this **Order**
and agree to **be bound by its**
terms. Consent is hereby
given to the Board to enter
this **Order.**


Robert Truxton James, M.D.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the **subject** of a disciplinary order of the Board are required to **provide the** information required on *the* Addendum to **these** Directives. The information **provided will be** maintained separately and will not **be** part of the public document filed with the **Board**. Failure to **provide** the information required may result in further disciplinary action for failing to cooperate with the **Board**, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license **is** **suspended** or revoked or permanently **surrendered**, with or without **prejudice**. Paragraph 5 applies to licensees who are the **subject** of an **order** which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee **shall** promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original **CDS** registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, **he or she** shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the **DEA** to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional **services**, but **also** from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively **advise** patients or others of the revocation, suspension or surrender, **the** licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another **licensee** provides health care **services**. The disciplined licensee may contract for, accept payment from another licensee for or rent a fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for **less** than one **year**, the licensee may accept payment from another professional who is using his/her office during **the period** that **the** licensee is suspended, for the payment of salaries for office staff **employed** at the **time** of **the** Board action.)

A licensee whose license has **been revoked, suspended** for one (1) year or more or permanently **surrendered** must remove **signs and** take affirmative action to stop **advertisements by** which his/her eligibility to practice **is** represented. The licensee must **also** take **steps** to remove his/her name from professional listings, telephone directories, professional stationery, or billings. **If the licensee's name is** utilized **in a group** practice title, it **shall be deleted**. Prescription **pads** bearing **the** licensee's name **shall be** destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be **filed**. If no other **licensee** is **providing** services at the location, all medications must be removed **and** returned to the manufacturer, if **possible, destroyed** or safeguarded. (In situations where a license **has been suspended** for **less than one** year, **prescription pads** and medications need not **be destroyed** but **must be** secured in **a locked** place for safekeeping.)

3, Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee **shall** not charge, receive or share in any **fee** for professional **services** rendered by him/herself or **others** while **barred** from engaging in the **professional** practice. The licensee may **be compensated** for the reasonable value **of services** lawfully **rendered and disbursements** incurred **on** a patient's behalf **prior** to the effective **date** of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or **suspended** for a term **of** one (1) year or more **shall be deemed to be** disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of **all** financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of **all** financial interest. Such divestiture **shall** occur within 90 **days** following **the** the **entry** of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a **copy** of documentation **forwarded** to the Secretary of State, Commercial Reporting Division, demonstrating that **the** interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must **be** dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the **Board's** action, a practice **is** closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary **order**, a message **will be delivered** to patients calling the former office premises, advising where records may **be** obtained. The message should inform patients of the names **and** telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall **also be** disseminated by **means** of a notice to **be published** at least once **per** month for three **(3)** months in a newspaper of

general circulation in the geographic vicinity in which the practice **was** conducted. At the **end** of the three month period, the licensee shall file with the Board the name **and** telephone **number** of the contact person who will have access to medical **records** of former patients. **Any** change **in** that individual or his/her **telephone** number shall **be** promptly **reported** to the **Board**. When a patient or his/her representative **requests** a copy of his/her medical record or **asks** that record **be forwarded** to another health care provider, the licensee shall promptly **provide** the record without **charge** to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee **who is** the subject of any **Order** imposing a probation or monitoring requirement or a **stay** of an active **suspension**, in whole or in part, which is conditioned upon compliance **with** a probation or monitoring requirement, the licensee shall fully cooperate with the Board and **its** designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the **licensee's** status **and** practice. Such monitoring shall **be** at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but **is** not limited to, inspection of the professional premises and equipment, and inspection **and** copying of patient records (confidentiality of patient **identity** shall **be** protected **by** the Board) to verify compliance with the Board Order **and** accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, **but** is not limited to, practitioner cooperation in providing **releases** permitting **unrestricted** access to **records** **and** other information to **the** extent permitted **by** law from **any** treatment facility, other treating practitioner, **support** group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained **by** a rehabilitation program for **impaired** practitioners. If **bodily** substance monitoring **has** been ordered, the practitioner shall fully cooperate **by** responding to a **demand** for breath, blood, urine or other sample in a timely manner and providing the designated sample.

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to **N.J.S.A. 52:14B-3(3)**, all orders of the New Jersey **State** Board of Medical Examiners are available for public inspection. **Should** any inquiry **be made** concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary **hearings, proceedings** on motions ~~or~~ other applications which are conducted as public hearings **and the** record, including **the** transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is **obligated** to report to the National Practitioners Data **Bank** any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which **revokes** or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) **Under** which a license is surrendered.

Pursuant to 45 CFR **Section** 61.7, the Board is obligated to report to the **Healthcare** Integrity and Protection (**HIP**) Data Bank, any formal or official actions, such as revocation or suspension of a **license** (and the length of any such suspension), reprimand, censure ~~or~~ probation or any other loss of license or the **right to apply for**, or renew, a license of the provider, supplier, or practitioner, whether by operation of **law**, voluntary surrender, non-renewability, ~~or otherwise~~, or any other negative action or finding by such **Federal** or **State agency** that is publicly available information.

Pursuant to **N.J.S.A. 45:9-19.13**, if the Board refuses to **issue**, suspends, revokes or ~~otherwise~~ places conditions **on** a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization **on** a monthly basis.

Within the month following **entry** of an order, a summary of **the order will** appear on the public agenda **for** the next monthly **Board meeting** and **is forwarded to those** members of the public requesting a copy. **In** addition, **the** same summary will appear in the minutes of **that** Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is **made available** to those members of the public requesting a copy.

On a periodic basis **the** Board disseminates to ~~its~~ licensees a newsletter which includes a **brief** description of all of the orders entered by the Board:

From **time** to time, the **Press** Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing **herein** is intended in any way to limit **the** Board, the Division or the Attorney **General** from disclosing any public document.

ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number¹: _____

List the Name and Address of any and all Health Care facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.